

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City
FILE NUMBER: 200500669

REGULATORY PROJECT MANAGER: Berka **Date:** 16 Feb 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** 16 Feb 2005
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:
 State: Kansas
 County: Johnson
 Center coordinates of site by latitude & longitudinal coordinates: Lat. 38-54-31.1040 Long. 94-46-42.3480
 Approximate size of site/property (including uplands & in acres): 37-acres
 Name of waterway or watershed: Trib. to Indian Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) man-made pond	X								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The project area is located very high in the watershed just down slope of the nearly level summit of the ridge. The head of the drainageway is gently sloping (1-3 percent) and no defined stream is present on the site. A culvert placed in the bottom of the grassy swale allows water to drain under East Kansas City Road and Interstate 35. The jurisdictional channel begins south of I-35 at this location. An existing man-made drainage ditch was constructed to divert storm water runoff directly to the culvert. Two wetland areas are considered isolated due to the lack of hydrologic connection to a jurisdictional stream channel or to the man-made ditch that connects to the water of the United States (WUS) at the culvert pipe. The small wetland area 0.03-acre located around the inlet to the culvert pipe at E. Kansas City Rd. is jurisdictional due to its connection to the WUS downstream.

(Ver-6)